



2-4-03

1645

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

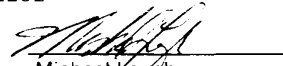
Applicant: Glare *et al.*
Serial No.: 10/070,489
Conf. No.: 6955
Filed: September 17, 2002
For: **NUCLEOTIDE SEQUENCES
ENCODING AN INSECTICIDAL
PROTEIN COMPLEX FROM
SERRATIA**
Art Unit: 1645
Examiner: Unassigned

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label Number
EV 175673825 US

Date of Deposit January 30, 2003
I hereby certify that this paper is being
deposited with the United States Postal
"Express Mail Post Office to Addressee"
Service under 37 C.F.R. § 1.10 on the date
indicated above and addressed to:

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

01/30/2003
Date


Michael Lough

TRANSMITTAL LETTER

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

RECEIVED

FEB 06 2003

TECH CENTER 1600/2900


Sir:

Transmitted herewith are an Information Disclosure Statement, Form PTO-1449 (1 page) and cited references for filing in connection with the above-identified application.

[X] The Commissioner is hereby authorized to charge any fees that may be due under 37 C.F.R. §§ 1.16-1.17 in connection with this paper or with this application during its entire pendency to Deposit Account No. 50-1213. A duplicate of this sheet is enclosed.

Respectfully submitted,
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By:


Stephanie L. Seidman
Registration No. 33,779

Attorney Docket No. 24747-1104US
Address all correspondence to:
Stephanie L. Seidman, Esq.
HELLER, EHRMAN, WHITE & McAULIFFE LLP
4350 La Jolla Village Drive, 7th floor
San Diego, CA 92122-1246
Telephone: (858) 450-8400
Facsimile: (858) 587-5360
EMAIL: sseidman@hewm.com



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Glare *et al.*
Serial No.: 10/070,489
Conf. No.: 6955
Filed: September 17, 2002
For: *NUCLEOTIDE SEQUENCES
ENCODING AN INSECTICIDAL
PROTEIN COMPLEX FROM
SERRATIA*
Art Unit: 1645
Examiner: Unassigned

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label Number
EV 175673825 US

Date of Deposit January 30, 2003
I hereby certify that this paper is being
deposited with the United States Postal
"Express Mail Post Office to Addressee"
Service under 37 C.F.R. §1.10 on the date
indicated above and addressed to:

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

01/30/2003
Date

Michael Lough

INFORMATION DISCLOSURE STATEMENT IN ACCORDANCE
WITH 37 C.F.R. §§ 1.97-1.98

Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

RECEIVED

FEB 06 2003

TECH CENTER 1600/2900

Dear Sir:

Because this Information Disclosure Statement is filed prior to receipt of a First Office Action on the Merits for the above-captioned application, a fee for filing this statement should not be due. If, however, it is determined that a fee is due, any fees that may be due in connection with filing this paper may be charged to Deposit Account No. 50-1213.

In accordance with the duty of disclosure imposed by 37 C.F.R. §1.56 to inform the Patent Office of all references known by Applicant or Applicant's representative that may be material to the examination of the subject application, Applicant's representative hereby provides this Information Disclosure Statement that is prepared in accordance with 37 C.F.R. §§1.97-1.98. Form PTO-1449 (1 page) and copies of the cited documents are provided herewith in connection with the above-captioned application.

The documents listed on the Forms PTO-1449 and supplied herewith are in the English language. Hence, in accordance with the requirements of 37 C.F.R.

U.S.S.N. 10/070,489

GLARE *et al.*

INFORMATION DISCLOSURE STATEMENT

§1.98, as amended effective March 16, 1992, no further explanation of the listed items is necessary.

Although these documents are made known to the Patent and Trademark Office in compliance with Applicant's duty of disclosure, such disclosure is not to be construed as an admission by Applicant or Applicant's representative that any of the references, singly or in any combination thereof, is effective as prior art against the subject application. In accordance with 37 C.F.R. §1.97(h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

Applicant respectfully requests that the Examiner review the foregoing references and make them of record in the file history of the above-captioned application.

Respectfully submitted,
HELLER, EHRMAN, WHITE & McAULIFFE LLP

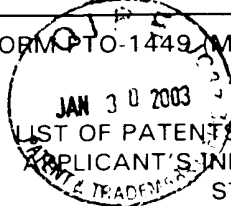
By:

Stephanie L. Seidman
Registration No. 33,779

Attorney Docket No. 24747-1104US

Address all correspondence to:

Stephanie L. Seidman
HELLER, EHRMAN, WHITE & McAULIFFE LLP
4350 La Jolla Village Drive, 7th Floor
San Diego, CA 92122-1246
Telephone: (858) 450-8400
Facsimile: (858) 587-5360
EMAIL: sseidman@hewm.com

FORM PTO-1449 (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 24747-1104US	SERIAL NO. 10/070,489
	APPLICANT Glare et al.	
	FILING DATE 09/17/2002	GROUP 1645

RECEIVED
FEB 06 2003

U.S. PATENT DOCUMENTS

TECH CENTER 1600/2900

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
none						

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	Translation Yes No
none					

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

A	Hurst <i>et al.</i> , "Plasmid-Located Pathogenicity Determinants of <i>Serratia entomophila</i> , the Causal Agent of Amber Disease of Grass Grub, Show Similarity to the Insecticidal Toxins of <i>Photobacterium luminescens</i> ," <i>J Bacteriol.</i> 182(18) :5127-5138 (2000)
B	Hurst <i>et al.</i> , "Restriction Map of the <i>Serratia entomophila</i> Plasmid pADAP Carrying Virulence Factors for <i>Costelytra zealandica</i> ," <i>Plasmid</i> 47(1) :51-60 (2002)
C	Hurst <i>et al.</i> , "Use of the Green Fluorescent Protein to Monitor the Fate of <i>Serratia entomophila</i> Causing Amber Disease in the New Zealand Grass Grub, <i>Costelytra zealandica</i> ," <i>J Microbiol Methods</i> 50(1) :1-8 (2002)
D	O'Callaghan <i>et al.</i> , " <i>Serratia entomophila</i> Bacteriophages: Host Range Determination and Preliminary Characterization," <i>J Microbiol.</i> 43 :1069-1073 (1997)
E	O'Callaghan <i>et al.</i> , "The Pathogenicity of <i>Serratia</i> Strains to <i>Lucilia sericata</i> (Diptera: Calliphoridae)," <i>J. Invertebr. Pathol.</i> 68(1) :22-27 (1996)
F	Upadhyaya <i>et al.</i> , "Identification of a <i>Serratia entomophila</i> Genetic Locus Encoding Amber Disease in New Zealand Grass Grub (<i>Costelytra zealandica</i>)," <i>J Bacteriol.</i> 174(3) :1020-1028 (1992)

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Title: **NUCLEOTIDE SEQUENCES ENCODING AN INSECTICIDAL PROTEIN COMPLEX FROM SERRATIA**